

JC17 Rec'd PCT 00 02 JUL 2001 PCT

Docket No. GR 98 P 1307

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By 

Date: June 29, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolfgang Werner
Applic. No. : 09/623,924 ✓
Filed : September 11, 2000
Title : Measuring Apparatus with Microsensor and Method for Producing it

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06 AUG 2001
International Division

PETITION UNDER 37 C.F.R. 1.8(b)

Hon. Commissioner of Patents and Trademarks,
Washington, D. C. 20231

Sir:

The facts leading to this petition are as follows:

Applicants received a Notice of Abandonment dated June 11, 2001 in the above-identified application, a copy of which is enclosed herewith. According to the Notice of Abandonment, applicant had allegedly not responded to the Notice of Missing Requirements under 35 U.S.C. 371, page 2, entitled "Notification of a Defective Oath or Declaration", dated October 25, 2000.

Applicants did indeed respond to the aforesaid notification. The signed declaration was mailed to the Patent Office on November 16, 2000 together with a cover letter, a certified English translation, an Associate Power of Attorney and a copy of the aforesaid notification which were filed in the Patent Office on November 20, 2000. A copy of the postcard showing the filing date in the Patent Office is enclosed. The cover letter accompanying the aforesaid enclosures bore a mailing certificate under 37 CFR 1.8, which was properly executed on that date.

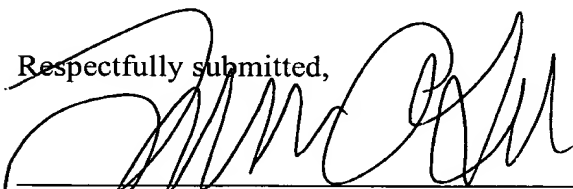
Enclosed herewith, in accordance with Rule 8(b), are copies of the previous mailing including:

- cover letter
- signed declaration
- associate power of attorney
- certification
- English translation
- postcard
- Notification of Missing Requirements

I hereby declare that the foregoing facts have been stated on a personal knowledge basis and that the above-noted paper was submitted timely in accordance with the rules and regulations. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

In view of the foregoing, it is requested that the application be reinstated.

Respectfully submitted,



For Applicant

LAURENCE A. GREENBERG
REG. NO. 29,308

Date: June 29, 2001

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
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/bb



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/623924	WERNER	W GR 98 P 1307
INTERNATIONAL APPLICATION NO.		
PCT/DE99/00268		
I.A. FILING DATE	PRIORITY DATE	
01 FEB 99	10 MAR 98	
DATE MAILED: 11 JUN 2001		

LERNER AND GREENBERG P A
P O BOX 2480
HOLLYWOOD, FL 33020 2480

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

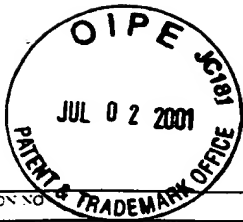
- ☐ Applicant's letter of express abandonment received _____ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☐ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)),
☐ 30 months (37 CFR 1.495(b)(2)).
- ☒ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 25 OCT 00 within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

COTTMAN, DARRELL C.

Telephone: 703-305-3693

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/623924	WERNER	W GR 98 P 1307
INTERNATIONAL APPLICATION NO.		
PCT/DE99/00268		
FILING DATE		PRIORITY DATE
01 FEB 99		10 MAR 98
DATE MAILED: 25 OCT 2000		

LERNER AND GREENBERG P A
P O BOX 2480
HOLLYWOOD, FL 33020 2480

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371 (c)(4) for entry into the national stage in the United States of America. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A new oath or declaration, identifying this application by the international application number and international filing date is required. The oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

1. ☒ is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. ☐ does not identify the specification to which it is directed.
3. ☐ does not identify the inventor(s).
4. ☐ does not identify the citizenship of each inventor.
5. ☐ does not state the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b) WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or city and foreign country of residence or each inventor.
2. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.
3. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
4. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and filing date of the continuation in part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).

COTTMAN, DARRELL C.

Telephone: 703-305-3693



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DCKET NO.
09/623924	WERNER	W GR 98 P 1307
LERNER AND GREENBERG P A P O BOX 2480 HOLLYWOOD, FL 33020 2480		
INTERNATIONAL APPLICATION NO.		
PCT/DE99/00268		
FILING DATE		PRIORITY DATE
01 FEB 99		10 MAR 98
DATE MAILED 25 OCT 2000		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
- ☒ an Elected Office (37 CFR 1.495):
- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application in:
 - ☒ a non-English language.
 - ☐ English.
- ☐ Translation of the international application into English.
- ☒ Oath or Declaration of inventors(s) for DO/EO/US.
- ☐ Copy of Article 19 amendments.
- ☐ Translation of Article 19 amendments into English.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Preliminary amendment(s) filed _____ and _____.
- ☐ Information Disclosure Statement(s) filed _____ and _____.
- ☐ Assignment document.
- ☐ Power of Attorney and/or Change of Address.
- ☐ Substitute specification filed _____.
- ☐ Verified Statement Claiming Small Entity Status.
- ☒ Priority Document.
- ☒ Copy of the International Search Report ☒ and copies of the references cited therein.
- ☐ Other:

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2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☒ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☒ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
 - ☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice *MUST* be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation



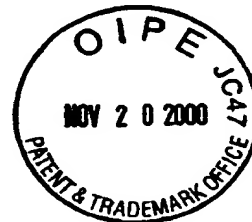
DOCKET NO. .GR. 98 .P. 1307... Mailed Nov., 16., 2000.

AI IC. NO. .09/623,924 Express Mail C

The stamp of the Patent Office hereon may be considered the date on which papers indicated below were received.

Applic pgs Rule 53b New ☐ Contin ☐ Div ☐ CIP ☐ / Rule 53c Prov. ☐ / Rule 53d CPA ☐
☐ CIP . . . pgs ☐ TM ☐ Design ☐ . . . Dwgs ☐ inf. ☐ fml. ☒ Mailing Certif.
☐ Priority Claim ☐ Cert. Prior. Doc(s) ☐ PCT Cover Sheet WO
☐ Amend pgs . . . ☐ Prel. Amend pgs . . . ☒ Letter
☐ Response pgs . . . ☐ 37CFR1.116 ☐ Not. of Appeal
☐ Brief pgs . . . ☐ Appndx pgs . . . ☐ I.D.S. + . . . Refs.
☒ Assoc Pwr of Atty ☐ . . . Specimen ☒ Declaration
☐ Pet. for Ext Mo. ☐ Pet ☒ Check \$ 260
☐ Issue Fee ☐ Assignment ☒ PTOL . . . J.T. E. 197
☐ St. of Use ☐ Cert. of Corr. ☐ File rec. corr
CERTIFIED ENGLISH TRANSLATION

(Patent Office. Please stamp and return to addressee on reverse side.)





Docket No.: GR 98 P 1307

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By:  Date: November 16, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolfgang Werner
Appl. No. : 09/623,924
Filed : September 11, 2000
Title : Measuring Device with a Microsensor and Method for its Production
Art Unit :

LETTER

Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

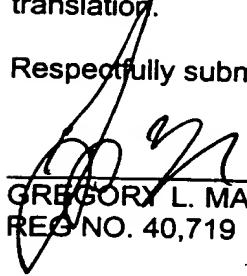
The above-mentioned new patent application was filed on August 21, 2000 without a signed oath or declaration, under the provision of 37 C.F.R. 1.53(f) and without a certified English translation.

In accordance with the above-mentioned rule, enclosed herewith is the original signed declaration as required by the Notification Of Missing Requirements Under U.S.C. 371 dated October 25, 2000 and English translation according to a Notification Of A Defective Oath Or Declaration dated October 25, 2000.

The undersigned hereby states that the application filed in the Patent and Trademark Office is the application which the inventor(s) executed by signing the declaration. MPEP 601.01(a)(6)

The fee required for the late filing of an oath or declaration in the amount of \$130.00 is also enclosed along with the fee in the amount of \$130.00 for the late filing of a certified English translation.

Respectfully submitted,



GREGORY L. MAYBACK
REG NO. 40,719

/mjb

Date: November 16, 2000
Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101



Docket No.: GR 98 P 1307

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolfgang Werner
Appl. No. : 09/623,924
Filed : September 11, 2000
Title : Measuring Device with a Microsensor and Method for its
Production
Art Unit :

ASSOCIATE POWER OF ATTORNEY

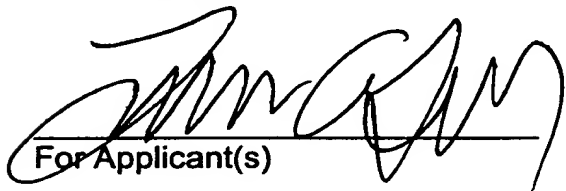
Hon. Commissioner of Patents and Trademarks,
Washington, D.C. 20231

Sir:

Please recognize GREGORY L. MAYBACK (Reg. No. 40,719) as my associate in the matter in the above-identified application, with full powers. Please continue addressing all communications to the following address:

Lerner and Greenberg, P.A.
P.O. Box 2480
Hollywood, Florida 33022-2480

Respectfully submitted,

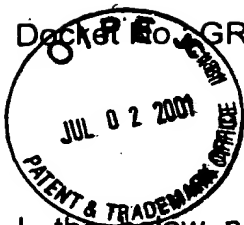

For Applicant(s)

LAURENCE A. GREENBERG
REG. NO. 29,308

Date: November 16, 2000

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101

/mjb



CERTIFICATION

I, the below named translator, hereby declare that: my name and post office address are as stated below; that I am knowledgeable in the English and German languages, and that I believe that the attached text is a true and complete translation of the German language text of Application No. 09/623,924, filed September 11, 2000, including the amended sheets.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hollywood, Florida

A handwritten signature in cursive script that reads "Karin Champlin". The signature is written over a horizontal line.

Karin Champlin

November 16, 2000

Lerner & Greenberg, P.A.
P.O. 2480
Hollywood, FL 33022-2480
Tel.: (954) 925-1100
Fax.: (954) 925-1101